



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

JAN 23 2007

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Cindy Esterbrook, Owner
The Place
HC 63 Box 6A
Saratoga, WY 82331

Re: Administrative Order
The Place
Docket No. SDWA-08-2007-0019
PWS ID # WY5601466

Dear Ms. Esterbrook:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f, *et seq.*, and its implementing regulations. Among other things, the Administrative Order finds that The Place is a public water supplier as defined by the SDWA and that it has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.63(b), 141.63(a)(2), 141.21(a), 141.201, 141.21(g)(2), 141.21(g)(1), and 141.31(b) for failure to comply with the total coliform acute Maximum Contaminant Level (MCL), failure to comply with the total coliform MCL, failure to comply with the total coliform routine monitoring requirements, failure to provide public notice, failure to report to EPA total coliform monitoring violations, failure to report to EPA total coliform MCL violations, and failure to report noncompliance with NPDWRs to EPA.

If you comply with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$32,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering compliance.

Among other things, the Order requires you to provide a public notification of violations of the SDWA. For your convenience, we have enclosed some template forms to assist you in providing the required public notice. If you have any questions or comments concerning the form of public notice, please do not hesitate to contact Jeff McPherson of EPA, whose telephone number is provided below.



Printed on Recycled Paper

Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that the business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information may be sent to Jeff McPherson at the address on the letterhead, include the mailcode 8ENF-W, or you may call Mr. McPherson at (800) 227-8917, extension 6362, or (303) 312-6362. If you wish to have an informal conference with EPA, you may also call or write Mr. McPherson. If you are represented by an attorney or have legal questions, please call Amy Swanson at the above 800 number, extension 6906, or at (303) 312-6906.

We urge your prompt attention to this matter.

Sincerely,



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

Order
Public Notice template
SBREFA Fact Sheet

cc: WDEQ (via email)
WDH (via email)



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JAN 23 2007

Ref: 8ENF-W

CERTIFIED MAIL LETTER
RETURN RECEIPT REQUESTED

Carbon County Commissioners
c/o Art Zeiger, Chair
P.O. Box 6
Rawlins, WY 82301

Re: Notice of Safe Drinking Water Act
Enforcement Action against "The Place"
PWS ID# WY5601466

Dear County Commissioners:

Under the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) administers a program for promoting the safety of public water supplies. In Wyoming, the EPA enforces this program directly because Wyoming does not have primary authority for doing so. When EPA issues an administrative compliance order (order) to a public water supply system in a state that does not have primary enforcement authority under the SDWA, EPA is required to notify an appropriate locally-elected official. Accordingly, the purpose of this letter is to notify you that EPA is issuing an order to a public water supply system in your county.

An order is being issued under Section 1414 of the SDWA to "The Place" public water system near Saratoga, Wyoming. This order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations (NPDWR). This system is in violation of 40 C.F.R. §§ 141.63(b), 141.63(a)(2), 141.21(a), 141.201, 141.21(g)(2), 141.21(g)(1), and 141.31(b) for failure to comply with the total coliform acute Maximum Contaminant Level (MCL), failure to comply with the total coliform MCL, failure to comply with the total coliform routine monitoring requirements, failure to provide public notice, failure to report to EPA total coliform monitoring violations, failure to report to EPA total coliform MCL violations, and failure to report noncompliance with NPDWRs to EPA.

A copy of the order is enclosed for your information. The order does not require any response or action by the County Commission. If you have any questions regarding this order, please contact Jeff McPherson at (303) 312-6362.

Sincerely,

A handwritten signature in cursive script, reading "Diane L. Sipe".

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

2007 JAN 23 PM 1:28

IN THE MATTER OF)

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Cindy Esterbrook, Owner)

The Place)

Saratoga, Wyoming)

)

)

Respondent)

)

ADMINISTRATIVE ORDER

Proceedings under Section 1414(g))

of the Safe Drinking Water Act,)

42 U.S.C. § 300g-3(g))

Docket No. SDWA-08-2007-0019

)

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300g-3(g), and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Cindy Esterbrook (Respondent) is an individual and therefore a "person" within the meaning of 40 C.F.R. § 141.2.



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2. Respondent owns and/or operates a system, The Place Public Water System (System), located in Carbon County, Wyoming, for the provision to the public of piped water for human consumption.
3. The System has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore considered a non-community water system.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the SDWA, 42 U.S.C. § 300f(5), and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the SDWA, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
5. According to an October 2005 sanitary survey by Water Connections (an agent for EPA), Respondent operates a system that is supplied solely by a ground water source consisting of two wells thought to be operating since 1978, and serves approximately 70 persons through 25 service connections.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.21 requires public water systems to monitor the water at least once per quarter for non-community groundwater public water systems with an average daily population of less than 1,001 to determine compliance with the Maximum Contaminant Level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.

2. 40 C.F.R. § 141.63(b) imposes and defines the acute MCL for total coliform bacteria as a fecal coliform positive or E. coli positive repeat sample, or any total coliform positive repeat sample following a fecal coliform positive or E. coli positive routine sample.
3. Monitoring results submitted by Respondent for the System during August 2006 exceeded the acute MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(b).

II.

1. 40 C.F.R. § 141.21 requires non-community ground water public water systems with an average daily population of less than 1,001 to monitor the water at least once per quarter to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. 40 C.F.R. § 141.63(a)(2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as no more than one sample collected during the month may be positive for total coliform bacteria.
3. Monitoring results submitted by the Respondent for the System during June and July 2002 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a)(2).

III.

1. 40 C.F.R. § 141.21(a) requires non-community public water systems with an average daily population of less than 1,001 with a ground water source to monitor the water at least once per quarter that the system serves water to the public

to determine compliance with the MCL for total coliform bacteria as stated in 40 C.F.R. § 141.63.

2. Respondent failed to monitor the water for contamination by total coliform bacteria during June 2006, in violation of 40 C.F.R. § 141.21(a).

IV.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any violations of the national primary drinking water regulations (NPDWRs), including violations of the MCL, maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.
2. Respondent has not provided adequate public notice of the noncompliance for the August 2006 acute total coliform bacteria MCL violation detailed in the preceding Section I, in violation of 40 C.F.R. § 141.201.

V.

1. 40 C.F.R. § 141.21(g)(2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA the noncompliance detailed in Section III, in violation of 40 C.F.R. § 141.21(g)(2).

VI.

1. 40 C.F.R. § 141.21(g)(1) requires a public water system that has exceeded the MCL for total coliforms in 40 C.F.R. § 141.63 to report the violation to EPA no later than the end of the next business day after it learns of the violation.
2. Respondent failed to report to EPA the total coliform MCL violations detailed in Section II, in violation of 40 C.F.R. § 141.21(g)(1).

VII.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any NPDWR to EPA within 48 hours.
2. Respondent failed to report to EPA the noncompliance detailed in Section IV above, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Sections 1414(g) and 1445(a)(1)(B) of the SDWA, IT IS ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with the total coliform MCL as stated in 40 C.F.R § 141.63.
2. If additional TCR MCL violations occur while this Order is in effect, Respondent shall submit to EPA a complete evaluation of the public water system to determine changes necessary to bring Respondent's system into compliance with

the bacteriological MCL appearing at 40 C.F.R. § 141.63. The evaluation shall include current disinfection practices including disinfection equipment, chemical addition, and residual disinfectant monitoring practices; recommendations on disinfection practices and system improvements; and a schedule for implementing and completing the improvements. The schedule shall include specific milestone dates, a final compliance date and shall be submitted to EPA for approval. The plans must be approved by EPA before construction can commence. Please be advised that any modifications must also be approved by the State prior to construction.

3. Upon the effective date of this Order, Respondent shall comply with the requirement of 40 C.F.R. § 141.21(a) to perform quarterly bacteriological monitoring to determine compliance with the MCLs as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
4. Upon the effective date of this Order, Respondent shall comply with all repeat sampling requirements specified in 40 C.F.R. § 141.21(b). This requires that Respondent take at least 3 repeat samples within 24 hours of being notified of a total coliform positive routine sample. Each repeat sample is to be analyzed for total coliform bacteria. One repeat sample is to be taken from each of the following:
 - a) the tap where the original total coliform positive sample was taken, b) from within 5 service connections upstream of the original total coliform positive tap, and c) from within 5 service connections downstream from the original total coliform positive tap. Respondent shall

report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).

5. Respondent must provide adequate public notice of the noncompliance for the August 2006 Acute total coliform bacteria MCL violation, to return to compliance with 40 C.F.R. §§ 141.201, 141.204, and 141.205. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201, et seq., following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d). This notice must be given by any one of the following methods: (1) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system; (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice described in (1) and (2), including publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations.
6. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.
7. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total

coliform MCL violation under 40 C.F.R. § 141.63 to EPA no later than the end of the next business day after Respondent learns of the violation.

8. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any NPDWR to EPA within 48 hours.
9. Reporting requirements specified in this Order shall be provided by certified mail to:

U.S. EPA Region 8 (8P-W-MS)
1595 Wynkoop Street
Denver, CO 80202-1129

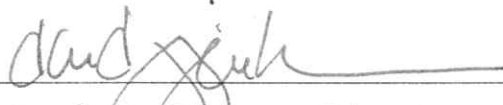
GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1, et seq., or the SDWA, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the SDWA.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 under Section 1414(g)(3)(B) of the SDWA, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(C) of the SDWA, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per day of violation

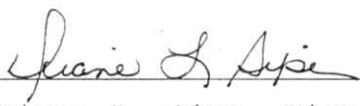
assessed by an appropriate U.S. District Court under
Section 1414(b) of the SDWA, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of
issuance.

Issued this 23RD day of January, 2007.



Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice



Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

TIER 1 TEMPLATES

The pages that follow contain templates for Tier 1 violations and waterborne disease outbreaks, as listed below. Along with the templates are instructions, including the required method of delivery and instructions for completing individual sections of the notices. These instructions are designed to supplement Chapter 5, so you may see much of the information repeated here.

Mandatory language on health effects, which must be included exactly as written, is presented in *italics* (141.205(d)).

You must also include the following italicized language in all notices, where applicable (141.205(d)). Use of this language does *not* relieve you of your obligation to take steps reasonably calculated to notify all persons served:

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Templates

Fecal Coliform or *E. coli* Notice – Template 1-2

Instructions for Fecal Coliform or *E. Coli* Notice—Template 1-2

Template on Reverse

Since exceeding the total coliform bacteria maximum contaminant level is a Tier 1 violation, you must provide public notice to persons served as soon as practical but within 24 hours after you learn of the violation (141.202(b)). During this time, you must also contact your primacy agency. You should also coordinate you're your local health department. You may also have to modify the template if you also have high nitrate levels of other coliform MCL violations. Some states have more stringent requirements for coliform violations. Check with your primacy agency to make sure you meet its requirements.

You must use one of the following methods to deliver the notice to consumers (141.202(c)):

- X Radio
- X Television
- X Hand or direct delivery
- X Posting in conspicuous locations

You may need to use additional methods (e.g., newspaper, delivery of multiple copies to hospitals, clinics, or apartment buildings), since notice must be provided in a manner reasonably calculated to reach all persons served.

The notice on the reverse is appropriate for hand delivery or mail. However, you may wish to modify it before using it for radio or TV notice. If you do, you must still include all the required elements and leave the health effects language in italics unchanged. This language is mandatory (141.205(d)). If you post or hand deliver, print your notice on letterhead, if you have it.

Population Served

Make sure it is clear who is served by your water system – you made to list that areas you serve.

Corrective Actions

In your notice, describe corrective actions you have taken or are taking. Listed below are some steps commonly taken by water systems with fecal coliform or *E. coli* violations. Use one or more of the following actions, if appropriate, or develop your own:

- X We are chlorinating and flushing the water system.
- X We are switching to an alternate drinking water source.
- X We are increasing sampling for coliform bacteria to determine the source of the contamination.
- X We are repairing the wellhead seal.
- X We are repairing the storage tank.
- X We are restriction water intake from the river/lake/reservoir to prevent additional bacteria from entering the system and restricting water use to emergencies.

After Issuing the Notice

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately. In addition, health professionals, including dentists, use tap water during their procedures and need to know of the contamination so they can use bottled water.

Make sure to send your primacy agency (EPA) a copy of each type of notice and a certification that you have met all the public notice requirements within ten days after issuing the notice (141.31(d)).

Please send a copy of your notice and dates posted to:

Jeff McPherson
US EPA Region 8
8ENF-W
1595 Wynkoop Street
Denver, CO 80202-1129

Or, you may fax a copy to: Attn: Jeff McPherson at 303-312-6409.

Certification of Public Notification

I _____ certify that the attached public notification was issued from
(PWS Operator / Responsible Party)

_____ to _____
(Date) (Date)

The attached notice was issued by _____
(Method of delivery)

Signature _____ Date _____

DRINKING WATER WARNING

“The Place’s” water was contaminated with [fecal coliform/*E. coli*] during August 2006

Fecal coliform [or *E. coli*] bacteria were found in the water supply on August 14, 2006. These bacteria can make you sick, and are a particular concern for people with weakened immune systems.

Fecal coliform/*E. coli* contamination was not present after August 14, 2006; protective measures that should be taken when fecal coliform/*E. coli* contamination exist are not currently necessary.

This public notice is being issued at this time because we did not issue proper public notification (Tier 1) when contamination was present in the System, in violation of the Safe Drinking Water Act.

What should I do?

- **DO NOT DRINK WATER CONTAMINATED WITH FECAL COLIFORM/*E. COLI* WITHOUT BOILING IT FIRST.** When fecal coliform/*E. coli* contamination exists, bring all water to a boil, let it boil for one minute, and let it cool before using, or use bottled water. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation when fecal coliform/*E. coli* contamination exists. Boiling kills bacteria and other organisms in the water.
- *Fecal coliforms* and *E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely compromised immune systems.
- The symptoms above are not caused only by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice. People at increased risk should seek advice about drinking water from their health care providers.

What happened? What is being done?

*(describe corrective actions taken to eliminate fecal coliform/*E. coli* contamination)*

For more information, please contact Cindy Esterbrook at 307-326-8372 or HC 63, Box 6a, Saratoga, WY 82331

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by The Place. State Water System ID#: WY5601466. Date distributed or dates posted: _____



Office of Enforcement and Compliance Assurance INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Hotlines, Helplines and Clearinghouses

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements.

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers:
www.epa.gov/clearinghouse

Pollution Prevention Clearinghouse
www.epa.gov/opptintr/library/ppicindex.htm

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.
(800) 368-5888

Emergency Planning and Community Right-To-Know Act
(800) 424-9346

National Response Center (to report oil and hazardous substance spills)
(800) 424-8802

Toxics Substances and Asbestos Information
(202) 554-1404

Safe Drinking Water
(800) 426-4791

Stratospheric Ozone Refrigerants Information
(800) 296-1996

Clean Air Technology Center
(919) 541-0800

Wetlands Helpline
(800) 832-7828

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page
www.epa.gov

Small Business Assistance Program
www.epa.gov/ttn/sbap

Compliance Assistance Home Page
www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance
www.epa.gov/compliance

Small Business Ombudsman
www.epa.gov/sbo

Innovative Programs for Environmental Performance
www.epa.gov/partners

